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Error to Circuit Court, Elizabeth City County.

Proceedings between the Brooklyn Trust Company and others and one Booker, Commissioner of Revenue. From the judgment, the Brooklyn Trust Company brings error. Reversed.

Jones & Woodward, of Hampton, for plaintiff in error.

The Attorney General, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, *O. L. Shewmake*, of Richmond, and *E. E. Montague*, of Hampton, for defendant in error.

CITY OF RICHMOND *v.* O. H. BERRY & CO.

Jan. 17, 1918. Rehearing Denied March 21, 1918.

[95 S. E. 1050.]

Error to Hustings Court of Richmond.

Proceeding by O. H. Berry & Co., against the City of Richmond. To review a judgment for plaintiff, defendant brings error. Reversed.

H. R. Pollard, of Richmond, and *E. P. Buford*, of Lawrenceville, for plaintiff in error.

H. C. Riely and *Hundson Cary*, both of Richmond, and *E. Warren Wall*, of Farmville, for defendant in error.

Reversed without opinion on authority of City of Richmond *v.* Drewry-Hughes Co., 94 S. E. 989.

PLANTERS' BANK OF FARMVILLE *v.* PRINCE EDWARD COUNTY.

June 13, 1918.

[96 S. E. 132.]

Highways (§ 128*)—Road Tax—Exemption of Property within Separate Road District.—Property within the limits of an incorporated town, that constituted a separate tax district and maintained its own streets, is not subject to the road tax imposed by Code 1904, § 944a, cl. 11, as amended by Laws 1915, c. 86; the act exempting from such taxation property within any town that maintains its own streets.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 880; 13 Va.-W. Va. Enc. Dig. 81.]

Error to Circuit Court, Prince Edward County.

Appeal from an order of the Board of Supervisors of Prince Edward County, imposing a road tax upon the property of the

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.